

REMARKS

Claims 1, 2, 4-15, 17-18 and 20 are pending in the application and stand rejected under 35 USC § 103(a) over Jason et al. in view of Guerin et al. Applicants' traverse the rejection for at least the reasons presented below.

Applicants thank Examiner Sasan and Supervisory Patent Examiner Woodward for the in-person interview conducted January 8, 2008. During the interview, Applicants argued that the outstanding rejection fails to make a prima facie case for obviousness. Although the rejection relies on both Jason and Guerin, the rejection fails to provide a motivation for combining Jason and Guerin as would be required to arrive at the claimed invention.

As Applicants stated in paragraph 0007, there are numerous other physico-chemical methods for encapsulating materials, and among these are complex coacervation. Although other methods of encapsulation using plant proteins are found within the art, Applicants stated that the prior art did not disclose complex coacervation as claimed using plant proteins. See Specification, Background Art, ¶¶ 0016-00021. Applicants also reiterated their acknowledgement of the difficulties associated with plant proteins, particularly in a complex coacervation process, e.g., lack of purity, low emulsifying capacity, etc. Specification, ¶ 00022.

The replacement of gelatin with a plant protein is not a trivial substitution that would have been expected by one of skill in the art to produce a successful coacervation process. Applicants submit that the outstanding rejection is deficient in that it does not demonstrate that one skilled in the art would have found a teaching or suggestion within the cited references leading to the claimed invention.

Finally, during the interview, it was suggested that Applicants amend claim 1 to explicitly recite the addition of the material to be encapsulated. Upon review of the claims, Applicants believe such a step was added in the prior response, and so appears to be unnecessary. However, if the Examiner believes otherwise, the Examiner is encouraged to contact Applicants' attorney at the number provided below in order to expedite examination.

In view of the foregoing amendments and remarks, applicants respectfully request reconsideration and withdrawal of all outstanding rejections. Applicants submit that the claims are now in condition for allowance, and respectfully request formal notification to that effect. If, however, the Examiner perceives any impediments to such a notice of allowability, whether substantive or formal, the Examiner is encouraged to call Applicants' attorney at the number provided below. Such informal communication will expedite examination and disposition of this case.

Respectfully submitted,

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